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8/22/08UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

08 AUG 22 AM 11:17
08 MJ 2587

UNITED STATES OF AMERICA,

Plaintiff,

v.

1.) Jaime Guadalupe MARTINEZ-Valencia,

2.) Jose Alfredo JIMENEZ-Ortiz

Defendant(s)

Magistrate Case No.

COMPLAINT FOR VIOLATION OF

Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii)

Transportation of Illegal
Aliens

Title 8 U.S.C., Sec. 1324 (a)(2)(B)(iii)

Bringing in Illegal Aliens Without
Presentation

DEPUTY

The undersigned complainant, being duly sworn, states:


COUNT ONE

On or about **August 21, 2008**, within the Southern District of California, defendant **Jaime Guadalupe MARTINEZ Valencia** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, , **Gerardo ROSARIO-Ortiz, Julio PACHECO-Mendoza, and Tracy Guadalupe ROJAS-Pacheco** had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

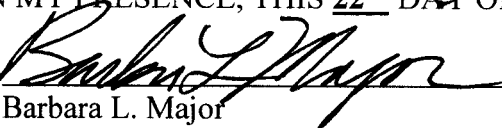
COUNT TWO

On or about **August 21, 2008**, within the Southern District of California, defendant **Jose Alfredo JIMENEZ-Ortiz**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Gerardo ROSARIO-Ortiz, Julio PACHECO-Mendoza, and Tracy Guadalupe ROJAS-Pacheco** had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 22nd DAY OF AUGUST 2008


Barbara L. Major
UNITED STATES MAGISTRATE JUDGE

IDA
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CONTINUATION OF COMPLAINT:

Jaime Guadalupe MARTINEZ-Valencia**Jose Alfredo JIMENEZ-Ortiz****PROBABLE CAUSE STATEMENT**

Furthermore, the complainant states that **Gerardo ROSARIO-Ortiz**, **Julio PACHECO-Mendoza**, and **Tracy Guadalupe ROJAS-Pacheco**, are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On August 20, 2008, Supervisory Border Patrol Agent W. Sommers was conducting assigned patrol duties near Boulevard, California. Supervisor Sommers was in full uniform and was operating a marked DHS vehicle with fully functioning emergency lights and audible police siren. Boulevard is approximately 20 miles east of the Tecate, California Port of Entry. Supervisor Sommers was monitoring vehicular traffic on Tierra Del Sol Road near Old Highway 80. Tierra Del Sol Road comes well within one quarter mile of the border in some locations..

At approximately 11:30 P.M., Supervisor Sommers observed a blue and silver Chevrolet Silverado pickup truck enter onto southbound Tierra Del Sol Road from Old Highway 80. Approximately five minutes later, the same truck entered onto Old Highway 80 westbound from Tierra Del Sol. The Chevrolet now appeared to Supervisor Sommers to be heavily laden, as if carrying extra weight. Supervisor Sommers observed three passengers in the cab and what appeared to be a brown tarp covering something in the truck bed. Alien smugglers who transport aliens in open bed pickup trucks commonly cover the illegal aliens with tarps to keep them from view. Supervisor Sommers advised other Border Patrol units in the area.

The Chevrolet proceeded to I-8. As the Chevrolet passed Ribbonwood Road, Supervisor Sommers activated his vehicle's emergency lights and siren in an attempt to conduct a traffic stop on the Chevrolet in order to conduct an immigration inspection. The Chevrolet failed to yield and continued traveling eastbound on I-8.

Smuggling Interdiction Group Supervisory Patrol Agent M. Hansen was positioned on I-8 east of Ribbonwood and attempted to deploy a controlled tire deflation device (CTDD) unsuccessfully. The driver of the Chevrolet increased his speed and the pursuit was terminated. Agent Hansen, operating an unmarked DHS surveillance vehicle observed the Chevrolet as it neared the Rio Bend sign on eastbound I-8, and continued to advise Boulevard Agents who were getting into position to deploy a CTDD to the east. As the Chevrolet neared the closed I-8 eastbound immigration checkpoint near Jacumba, Agent Hansen re-engaged the Chevrolet with his emergency lights and siren. The Chevrolet again failed to yield. Border Patrol Agent A. Velasquez deployed a CTDD in the path of the fleeing Chevrolet. The CTDD impacted both front tires of the Chevrolet, which soon went flat. Just west of the In-Ko-Pah Park Road exit on I-8, the Chevrolet slowed in the right travel lane and three individuals jumped out of the moving vehicle. Agent Hansen observed the driver, later identified as defendant **Jaime Guadalupe MARTINEZ-Valencia**, exit the vehicle from the driver's side door and run northwest across the east and westbound travel lanes of I-8.

Border Patrol Agent A. Mendoza soon caught up to and apprehended **MARTINEZ**. One of the passengers, later identified as defendant **Jose Alfredo JIMENEZ-Ortiz**, ran southeast in an attempt to abscond. Border Patrol Agent A. Reid soon caught up with JIMENEZ, who scooped up a hand-full of dirt and threw it towards Agent Reid's face. Agent Reid then subdued and apprehended JIMENEZ. Agent Hansen identified himself to JIMENEZ and conducted an immigration inspection. JIMENEZ admitted to being a citizen and national of Mexico illegally in the United States.

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8/22/08**CONTINUATION OF COMPLAINT:****Jaime Guadalupe MARTINEZ-Valencia****Jose Alfredo JIMENEZ-Ortiz**

Agent Hanson then approached the Chevrolet and observed ten individuals lying in the bed of the truck, covered by a brown tarp. Another individual was detained next to the vehicle. Agent Hanson identified himself as a Border Patrol Agent and questioned all eleven individuals as to their citizenship and immigration status. All eleven admitted to having entered the United States without inspection, and that they are citizens and nationals of Mexico. They also stated that they were not in possession of immigration documents that would allow them to enter or remain in the United States legally.

The driver, MARTINEZ, claimed to be a citizen and national of the United States. At approximately 12:14 A.M., all thirteen individuals were arrested were transported to the Boulevard Border Patrol Station for processing.

DEFENDANT STATEMENT (Jose Alfredo JIMENEZ-Ortiz):

Defendant JIMENEZ was advised of his Miranda Rights and stated that he understood his rights and was willing to make a statement without an attorney present. The defendant stated that he is a citizen and national of Mexico without valid immigration documents to enter or remain within the United States legally.

JIMENEZ stated that relating to the smuggling event on August 20, 2008, he illegally crossed the United States/Mexico border near Tecate, California. JIMENEZ said that his intentions were to help a friend and smuggler by the name of Miguel Angel CUEYA to smuggle a group of approximately eleven undocumented aliens into the United States. JIMENEZ said that in the past, he has smuggled undocumented aliens approximately six times.

JIMENEZ said that while they were illegally crossing the border, CUEYA was constantly on the phone with the driver. JIMENEZ stated that only CUEYA knew what type of truck was going to pick them up and that the driver loaded up the group near the Golden Acorn Casino on Tierra del Sol Road.

MATERIAL WITNESSES STATEMENTS:

Material Witnesses **Gerardo ROSARIO-Ortiz, Julio PACHECO-Mendoza, and Tracy Guadalupe ROJAS-Pacheco** stated that they are citizens and nationals of Mexico illegally present in the United States. They stated that they did not have any immigration documents allowing them to be in the United States legally. They stated that arrangements had been made in Mexico to be smuggled into the United States. ROSARIO and PACHECO stated that they were to pay between \$1,600.00 to \$1,800.00 U.S. dollars to be smuggled to Atlanta, Georgia. ROJAS stated that her family was to pay an unknown amount to be smuggled to Los Angeles, California. All the material witnesses stated that foot guides led them across the border. When shown a photographic lineup containing 13 individuals, all material witnesses were able to identify defendant **JIMENEZ** as one the foot guides. Material Witness ROJAS was able to identify **MARTINEZ** as the driver.